REMARKS

Office action summary

Claims 1, 4-22, and 24-31 are pending in the present application. Claims 1 and 24 are presently amended. No claims are presently canceled or added. The following rejections were made in the office action of March 10, 2009 ("Office Action"):

- Claims 1, 4-22, and 24-31 were rejected under 35 USC § 101 as being directed to non-statutory subject matter.

- Claims 1 and 4-22 were rejected under 35 USC § 112, ¶ 2, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

- Claims 1, 4-22, and 24-31 were rejected under 35 USC § 103(a) as being unpatentable over Bracho et al, US Patent 5,974,417 ("Bracho"), in view of "Official Notice."

The amendments and rejections are discussed below. The examiner is respectfully urged to reconsider the application and withdraw the rejections. Should the examiner have any questions or concerns that might be efficiently resolved by way of a telephonic interview, the examiner is invited to call applicants' undersigned attorney, Jon M. Isaacson, at **206-332-1102**.

Telephonic interview

On June 5, 2009, applicants' undersigned attorney and Examiner Refai conducted a telephonic interview. Applicants' undersigned attorney would like to thank the examiner for granting the interview. During the interview, the differences between the claims and the cited were discussed without reaching any specific agreement. Any further substance of the interview is incorporated into the remarks below.

Rejections under 35 USC § 101

Claims 24-31 stand rejected under 35 USC § 101 as being directed to non-statutory subject matter because, as the examiner argues, the claims are directed to a device which can be interpreted as merely program code or software. Without conceding the propriety of the

rejection or the examiner's arguments, applicants presently amend claim 24 to recite, in part, "a first digital device *comprising a processor*" and "said first digital device comprising instructions that, *when executed by the processor*, cause the first digital device to [perform certain functions]." Applicants submit that claim 1, as amended, cannot be read as merely program code or software. Accordingly, applicants request withdrawal of the rejection of claims 24-31 under 35 USC § 101.

Claims 1 and 4-22 stand rejected under 35 USC § 101 as being directed to non-statutory subject matter because, as argued by the examiner, the claims are processes which (1) are not tied to a particular machine and (2) do not transform underlying subject matter. (*See In re Bilski*, 88 USPQ2d 1385 (Fed Cir 2008).) Without conceding the propriety of the rejection or the examiner's arguments, claim 1, as presently amended, is directed to a method for "managing event notification in a communications network," and further recites, in part, "receiving at least two event messages via the communications network" and "receiving another at least two event messages via the communications network." As described in applicants' specification, a communication network includes various computing objects and computing devices. (Specification, para. 0021, as published.) Some non-limiting examples of such computing objects and computing devices include PDAs, TVs, MPS players, personal computers, etc. (*Id.*) Applicants submit that a communications network is a machine, and that claim 1 is sufficiently tied to the communications network to be considered a patent-eligible process. Further, applicants submit that claims 4-22 are patent-eligible processes because they depend from claim 1. Accordingly, applicants request withdrawal of the rejections of claims 1 and 4-22 under 35 USC § 101.

Rejections under 35 USC § 112

Claims 1 and 4-22 stand rejected under 35 USC § 112, ¶ 2, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. More specifically, the examiner argued that the recitation "revoking the first event subscription for the first event source" in claim 1 is indefinite because "it is unclear why the first event subscription is being revoked." (Office Action, page 4.) The examiner cites to no authority for the notion that 35 USC § 112 requires understanding of why a recitation is included in a claim. However, without conceding this rejection, in an

effort to advance prosecution of the present application, applicants presently amend claim 1 to recite that it is directed to a method for "managing event notification." Applicants submit that managing event notifications may require both receiving event notification and revoking them. Thus, it should be clear why claim 1 would include a recitation such as "revoking the first event subscription." Accordingly, applicants respectfully request withdrawal of the rejection of claims 1 and 4-22 under 35 USC § 112, ¶ 2.

Rejections under 35 USC § 103(a)

Claims 1, 4-22, and 24-31 stand rejected under 35 USC § 103(a) as being unpatentable over Bracho in view of "Official Notice."

Claim 1 recites subscribing to a first event source, receiving two event messages from the first event source, subscribing to a second event source, and receiving two event messages from the second event source. Claim 1 further recites ordering the events based on a time stamp within each received event message. As recited in claim 1, the time stamps correspond to the time "*when events occur* at the [corresponding] event source." Thus, the recited events are temporal events, and the ordering occurs according to the temporal order of their occurrence.

In contrast, Brancho explicitly defined an "event" as "the basic quanta of information." (Abstract; col. 2 ll. 17-18.) Brancho's only example of an event is a sales order, including all of the information that would be in a sales order. (*See e.g.* col. 6 ll. 25-40.) Thus, Brancho's "event" is not a temporal event, but some type of information. Brancho also teaches that the events are distributed in a network where the events are published by publishers, pass through hubs, and are received by subscribers. (See Figs. 5 and 11.) The time stamps discussed by Brancho, and shown in Figs. 8 and 9, are added to an envelope of the event information. (Col. 15, ll. 18-39.) The time stamps mark the times when the events were published by the publisher and the times when the events were passed on by the network hubs. (*Id.*) Therefore, the time stamps taught by relate to the times that the events are passed within the network, not to the occurrence of some temporal event.

Applicants respectfully submit that Brancho fails to teach or suggest events recited by claim 1 because Brancho's "event" is not a temporal event, but some type of information. Further, Brancho fails to teach or suggest the time stamps recited by claim 1. Brancho's time

stamps record the time that information was published to a network or passed through a hub in a network, whereas claim 1 recites that time stamps in the event messages relate to when events occur.

In addition to these reasons, applicants respectfully submit that it would not have been obvious to one of ordinary skill in the art to order Bracho's events based on the time stamps from the publishing of the events and the passing of the events via the network hubs. The examiner takes "Official Notice" that it would be obvious to order Bracho's time stamps because "doing so would allow for all events from all subscribers to be ordered in sequence based on the time stamp of each event." (Office Action, page 6.) However, ordering Bracho's time stamps from multiple subscriptions would merely show the historical timeline of how those events were published and transmitted through the network. The time stamps of events in claim 1 relate to the occurrence of a temporal event, and thus an ordering of claim 1's time stamps would result in a schedule of the occurrence of temporal events. Therefore, applicants submit that claim 1 is patentably defined over Bracho in view of the examiner's "Official Notice."

For at least the foregoing reasons, applicants submit that claim 1 is patentably defined over the cited art. Accordingly, applicants respectfully request withdrawal of the rejection of claim 1 under 35 USC § 103(a) as unpatentable over Bracho in view of "Official Notice."

Independent **claim 24** contains recitations similar to those recitations of 1 discussed above. For at least the reasons discussed above regarding the patentability of claim 1, applicants submit that claim 24 is patentably defined over the cited art. Accordingly, applicants respectfully request withdrawal of the rejection of claims [new claim numbers] under 35 USC § 103(a) as unpatentable over Bracho in view of "Official Notice."

Claims 4-22 and 25-31 depend, directly or indirectly, from claims 1 and 24, respectively. Inasmuch as claims 4-22 and 25-31 depend from independent claims which are patentably defined over the cited art, applicants submit that claims 4-22 and 25-31 are patentably defined over the cited art. Accordingly, applicants respectfully request withdrawal of the rejection of claims 4-22 and 25-31 under 35 USC § 103(a) as unpatentable over Bracho in view of "Official Notice."

Conclusion

Applicants believe that the present remarks are responsive to each of the points raised by the examiner in the Office Action, and submit that claims 1, 4-22, and 24-31 of the application are in condition for allowance. Favorable consideration and passage to issue of the application at the examiner's earliest convenience is earnestly solicited.

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/Jon M. Isaacson/
Jon M. Isaacson
Registration No. 60,436

Woodcock Washburn LLP
Cira Centre
2929 Arch Street, 12th Floor
Philadelphia, PA 19104-2891
Telephone: (215) 568-3100
Facsimile: (215) 568-3439